

Senate Bill No. 1007

CHAPTER 382

An act to amend Section 71 of Chapter 67 of the Statutes of 1962, First Extraordinary Session, relating to port districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 29, 2005. Filed with
Secretary of State September 29, 2005.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1007, Ducheny. San Diego Unified Port District Act: retirement and disability benefits.

The existing San Diego Unified Port District Act establishes the San Diego Unified Port District, prescribes the powers and duties of the district, and provides for the transfer to the district of specified tidelands and lands lying under inland navigable waters in San Diego. The act requires that all employees of San Diego County or any city within the county who are performing duties in connection with the Port of San Diego or the respective harbor departments, be considered as employees of the district, and authorizes the district to contract with the State Employees' Retirement System and provide retirement and disability benefits for employees under the State Employees' Retirement System, pursuant to its rules and regulations. The act further authorizes the district to continue, by contract, those employees of the district who are covered as members of the system of which they were members while they were employees of the respective cities.

This bill would revise those provisions governing employee retirement and disability benefits to also authorize the district to contract with any other employee retirement and disability system, or to establish an independent employee retirement and disability system pursuant to certain provisions authorizing the legislative body of a local agency to establish a pension trust funded by individual life insurance contracts, individual annuities, group policies of life insurance, or group annuities, or any combination of those.

The bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 71 of Chapter 67 of the Statutes of 1962, First Extraordinary Session, is amended to read:

SEC. 71. (a) Upon the establishment of the district, all persons then occupying the several offices of or under the government, of the county

and each of the cities included therein, except as otherwise provided, whose several powers and duties are within the powers of the district or within the powers or duties of the several officers thereof, shall immediately quit and surrender the occupancy or possession of those offices, which shall thereupon cease and determine, except as to any persons who have powers and perform duties for the county and the cities other than those mentioned, whose offices shall not cease and determine as to those other powers and duties, but shall continue with respect thereto the same as if the district had not been established.

(b) Notwithstanding subdivision (a), all employees of the county and any city performing duties in connection with the Port of San Diego or the respective harbor departments shall be blanketed in as employees of the district.

(c) The district may do all of the following with respect to retirement and disability benefits for its employees:

(1) Contract with the State Employees' Retirement System and provide retirement and disability benefits for employees under the State Employees' Retirement System pursuant to its rules and regulations.

(2) Contract with any city included within the district that has a retirement system for retirement and disability benefits for district employees.

(3) Contract with any other employee retirement and disability system.

(4) Establish an independent employee retirement and disability system pursuant to Article 1.5 (commencing with Section 53215) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code.

(5) By contract, continue those employees of the district so blanketed in, as members of the retirement system of which they were members while they were employees of the respective cities.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

Because of the financial uncertainty of the City of San Diego and because the city is currently under contract with the San Diego Unified Port District to provide that district's retirement and disability benefits, it is critical that the district be granted the power provided by this act to make decisions to ensure the long-term stability of the district's retirement and disability benefit systems at the earliest possible time.